

TO: Matt Leopold, General Counsel

FROM: Simma Kupchan, in coordination with Steve Neugeboren, Carrie Wehling, Alexis Wade, Krista Hughes, and Amanda Urban, Water Law Office

Attached are the materials related to the “ditches memorandum” discussed with Dave Ross earlier this week.

Attached are also the materials that were addressed during the 404(g) Rule Options Selection 2 Prebrief tomorrow (Wednesday) morning with Dave Ross.

Ex. 5 AC/DP

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The legal issues we would flag in particular are:

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Ex. 5 AC/DP

Also, we wanted to note that while we provided extensive comments on the earlier drafts of these documents, due to OWOW’s time constraints WLO did not have the opportunity to revise or polish the latest drafts to ensure clarity.

Thanks for your attention.